

REMARKS

The Official Action of July 11, 2007, and the references cited therein have been carefully considered. The Applicant respectfully requests reconsideration of the application in view of the foregoing amendments and the following remarks.

The Specification has been amended to correct typographical errors. Claim 31 has been amended to correct two typographical errors, Claim 33 has been canceled without prejudice and Claim 34 has been added. Support for this amendment is found in the specification, e.g. at page 73, lines 9-11; page 76, lines 19-20; page 80, lines 19-21; page 82, lines 14-16; and the claims of the application as filed.

Claims 20-32 and 34 are pending in the application.

1. Election/Restrictions

Under 35 U.S.C. 121 and 35 U.S.C. 372, the Examiner previously required restriction among: Group I: Claims 20-30 drawn to compounds/compositions; and Group II: Claim 33) drawn to methods of using the compounds of Group I. Applicants hereby affirm their election of Group I and the title compound of Example 1 on page 73 made in their reply of June 4, 2007. In the interest of compact prosecution Applicants hereby withdraw their traverse and have accordingly cancelled the non-elected subject matter without prejudice.

2. Specification

The Specification stands objected to because the title compound of Example 1 on page 73 is misnamed (pyridine should be pyrimidine). As requested by the Examiner, this and other nomenclature errors have been corrected with respect to:

The title compound of Example 1 on page 73, line 11:

2-(1-cyclopentylpiperidin-4-yloxy)-5-(4-cyanophenyl)~~pyridine~~pyrimidine

The title compound of Example 25 on page 80, line 21:

2-(1-cyclopentylpiperidin-4-yloxy)-5-(4-methoxyphenyl)~~pyridine~~pyrimidine

The title compound of Example 31 on page 82, line 16:

2-(1-cyclopentylpiperidin-4-yloxy)-5-(2-cyano-5-~~thenyl~~thienyl)pyrimidine

These amendments to the specification are fully supported by e.g. the chemical structures depicted for the compounds, and the specification and claims of the application as filed. Applicants respectfully assert that the specification is written in full, clear, concise, and exact terms, but in the interest of compact prosecution, the specification has corrected as requested by the Examiner. Accordingly, the objection to the Specification should be withdrawn

3.,4.,5. Claim Rejections - 35 U.S.C. § 102 (b)

Claims 20-25 and 30-33 stand rejected under 35 U.S.C. § 102 (e) as being anticipated by Marinio et al. (WO 2005/097111, published October 20, 2005, filed March 22, 2005, claiming priority to 60/561,188, filed April 9, 2004).

Applicants respectfully traverse this rejection and submit that Marinio et al. is not an effective reference under 35 U.S.C. § 102 (e). The present application is fully entitled to the benefit under 35 U.S.C. § 371 of PCT Application No. PCT/JP2004/009272, filed June 24, 2004, and priority under 35 U.S.C. § 119 from Japanese Application No. JP2003-184879, filed June 27, 2003. The Official Action of May 3, 2007, confirmed that the certified copies of the priority documents have been received by the Office. In accordance with 37 CFR. § 1.55(a)(4), submitted herewith is an English language translation of Japanese Application No. JP2003-184879 (filed June 27, 2003) accompanied by a statement that the translation of Japanese Application No. JP2003-184879 is accurate. The compound 2-(1-cyclopentylpiperidin-4-yloxy)-5-(4-cyanophenyl)pyrimidine is fully supported in Japanese Application No. JP2003-184879 and is disclosed as the title compound of Example 1 on page 83.

Accordingly, the rejection of Claims 1-17 and 21 under 35 U.S.C. § 102(b) as being anticipated by Marinio et al. is untenable and should be withdrawn.

6. Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claim 33 stands rejected under 35 U.S.C. § 112, first paragraph, for lack of adequate written description.

The Examiner was concerned regarding support for the indications recited in Claim 33. Applicants respectfully assert that the specification, in light of the state of the art, provides full written description of such indications. In the interest of compact prosecution, however, Claim 33 has been canceled without prejudice.

Accordingly, the rejection of Claim 33 under 35 U.S.C. § 112, first paragraph, for lack of adequate written description should be withdrawn.

7. Claim Rejections - 35 U.S.C. § 112, First Paragraph

Claim 33 stands rejected under 35 U.S.C. § 112, first paragraph, for lack of enablement.

The Examiner was concerned regarding the method of treatment claim. Applicants respectfully assert that the specification fully enables such claims and that the representative examples provide appropriate guidance for practicing the claimed invention without undue experimentation.

Applicants note that the specification provides detailed guidance on page 16, line 3 to page 17, line 24 regarding the preparation and use of pharmaceutical formulations.

Applicants further note that the specification provides detailed guidance regarding pharmacological tests conducted with the present compounds on pages 63, line 30 to page 66, line 4. The specification further provides guidance regarding pharmaceutical formulations on page 66, line 5 to page 72, line 20. In the interest of compact prosecution, however, Claim 33 has been canceled without prejudice.

Accordingly, the rejection of Claim 33 under 35 U.S.C. § 112, first paragraph, for lack of enablement should be withdrawn.

8.,9. Claim Rejections - 35 U.S.C. § 112, Second Paragraph

Claim 33 stands rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness.

The Examiner was concerned regarding the terminology for the indications recited in the method of treatment claim. Applicants respectfully assert that the specification fully enables such claim language and the claims particularly point out and distinctly claims the subject matter that they regard as their invention. Applicants respectfully submit that the terminology with respect to the indications recited in Claim 33 would be readily understood by a person skilled in the art. In the interest of compact prosecution, however, Claim 33 has been canceled without prejudice.

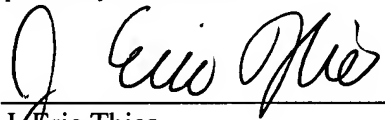
Accordingly, the rejection of Claim 33 under 35 U.S.C. § 112, first paragraph, for lack of enablement should be withdrawn.

10.,11. Allowable Subject Matter

Applicants gratefully acknowledge that Claims 26-29 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicants respectfully submit that because the base claim and any intervening claims are allowable, Claims 26-29 should also be allowable.

Applicants respectfully contend that the application is allowable and a favorable response from the Examiner is earnestly solicited.

Respectfully submitted,

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